



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#11
Petition

ATTY.'S DOCKET: FUKASAWA=2

In re Application of:) Conf. No.: 9136
Koichi FUKASAWA et al) Art Unit: 2815
Appln. No.: 09/763,421) Examiner: E. Lee
----- Filed: February 22, 2001) Washington, D.C.
For: LIGHT EMITTING DIODE) February 1, 2002

REQUEST OR NON-FEE PETITION TO RESTART PERIOD FOR REPLY DUE TO
LATE RECEIPT OF OFFICE ACTION (MPEP §710.06)

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

The official action in the above-identified application was mailed from the Patent and Trademark Office on December 28, 2001. It was not received in this office until January 29, 2001. Accordingly, it is requested that the period for reply be restarted from the date of receipt of this Office Action, i.e., from January 29, 2001, with a due date of April 29, 2002.

This petition has been filed within two weeks of the date of receipt of the Office Action. More than one month of the three-month reply period has elapsed.

Attached hereto as Exhibit A is a copy of the cover page of the Office Action with date of receipt at our offices

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stamped on it. When the mail is opened at the Browdy and Neimark mailroom, it is our policy is to date stamp each document and to make an entry into the daily log that records receipt of all papers from the U.S. Patent and Trademark Office. Also attached hereto as Exhibit B is a photocopy of the 1-page-log-entry-for-January-29,-2002,-partly-blacked-out- for purposes of confidentiality, confirming that the above-identified Office Action was received on that date.

Browdy and Neimark has a zip code of 20001 and, therefore, all mail for delivery to Browdy and Neimark is normally sorted at the Brentwood Post Office. It is well known that, due to anthrax contamination, the Brentwood Post Office was closed. It appears that mail is still being randomly subjected to the decontamination process. The Notification identified above was obviously among the mail in this category due to the discoloration of the paper (evident to the undersigned) apparently caused by the decontamination process.

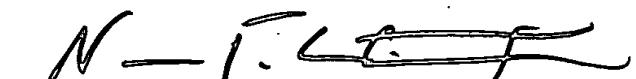
It is submitted that the criteria set forth in MPEP §710.06 for restarting the previously-set period for reply to this Office action has been met and that, therefore, this petition should be granted and the period for response should be restarted to run from the date of receipt at our address, i.e., January 29, 2002.

It is not believed that any petition fee is due in this matter. The delay was due to a *force majeur* wholly outside the control of Browdy and Neimark. Accordingly, no fee should be necessary to correct the problem.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By



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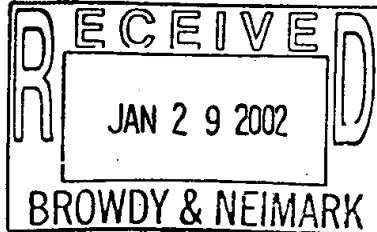
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Washington, D.C. 20231
www.uspto.gov

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,421	02/22/2001	Koichi Fukasawa	FUKASAWA 2	9136

1444 7590 12/28/2001

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EXAMINER

LEE, EUGENE

ART UNIT

PAPER NUMBER

2815

DATE MAILED: 12/28/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

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EXHIBIT A

